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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/565,140

01/19/2006

Charles William Worrell

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24498

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04/03/2009

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EXAMINER

CHOWDHURY, NIGAR

ART UNIT

PAPER NUMBER

2621

MAIL DATE

DELIVERY MODE

04/03/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/565,140	Applicant(s) WORRELL ET AL.	
	Examiner NIGAR CHOWDHURY	Art Unit 2621	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 January 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 19 January 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>1/19/06, 7/3/08</u> | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

1. Claim(s) 1-7 is/are rejected under 35 U.S.C. 101 as not falling within one of the four statutory categories of invention. While the claims recite a series of steps or acts to be performed, a statutory “process” under 35 U.S.C. 101 must (1) be tied to another statutory category (such as a particular apparatus), or (2) transform underlying subject matter (such as an article or material) to a different state or thing (Reference the May 15, 2008 memorandum issued by Deputy Commissioner for Patent Examining Policy, John J. Love, titled “Clarification of ‘Processes’ under 35 U.S.C. 101”). The instant claims neither transform underlying subject matter nor positively tie to another statutory category that accomplishes the claimed method steps, and therefore do not qualify as a statutory process.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

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2. Claims 1-2, 4-6, 8-9, 11-13 are rejected under 35 U.S.C. 102(b) as being anticipated by US 6,031,960 by Lane.

3. Regarding **claim 1**, a method for modifying a stream of multimedia content to implement trick mode playback comprising:

- setting a discontinuity indicator in an adaptation field associated with a video frame (fig. 1, col. 3 lines 40-58, col. 4 lines 34-42); and
- setting a substitute program clock reference (PCR) value in the adaptation field to facilitate playback of the multimedia stream in accordance with a desired trick mode (fig. 1, col. 3 lines 40-58, col. 4 lines 34-42).

4. Regarding **claim 2**, the method further comprising:

- inserting an adaptation field associated with at least one video frame with which an adaptation field was not already associated (fig. 1, col. 3 lines 40-58, col. 4 lines 51-63).

5. Regarding **claim 4**, the method further comprising removing at least one video frame from the stream of multimedia content (col. 18 lines 3-21).

6. Regarding **claim 5**, the method further comprising removing at least one adaptation field associated with the removed video frame (fig. 1, col. 3 lines 40-58, col. 18 lines 3-21).

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7. Regarding **claim 6**, the method further comprising delivering the modified stream of multimedia content to an MPEG receiver (col. 2 lines 43-49, col. 4 lines 64-67).
8. **Claim 8** is rejected for the same reason as discussed in the corresponding claim 1 above.
9. **Claim 9** is rejected for the same reason as discussed in the corresponding claim 2 above.
10. **Claim 11** is rejected for the same reason as discussed in the corresponding claim 4 above.
11. **Claim 12** is rejected for the same reason as discussed in the corresponding claim 5 above.
12. **Claim 13** is rejected for the same reason as discussed in the corresponding claim 6 above.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

13. Claims 3, 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over US 6,031,960 by Lane in view of US 7,292,782 by Sugahara et al.

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14. Regarding **claim 3**, Lane discloses substitute PCR value but fails to disclose the method wherein said step of setting a substitute PCR value comprises setting the substitute PCR value to a value approximately equal to a presentation time stamp (PTS) of the video frame with which the adaptation field is associated.

Sugahara discloses the method wherein said step of setting a substitute PCR value comprises setting the substitute PCR value to a value approximately equal to a presentation time stamp (PTS) of the video frame with which the adaptation field is associated (col. 44 lines 23-37).

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify the proposed combination of Lane's system to include a PCR value, as taught by Sugahara, approximately same as PTS value of the video frame.

15. **Claim 10** is rejected for the same reason as discussed in the corresponding claim 3 above.

16. Claims 7, 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over US 6,031,960 by Lane.

17. Regarding claim 7, Lane discloses MPEG receiver but fails to disclose the method wherein the MPEG receiver is an Advanced Television Systems Committee (ATSC) receiver.

It is noted that the use of Advanced Television System Committee is old and well-known in the recording art. Therefore, official notice is taken. Moreover, it would have been obvious to one having ordinary skill in the art at the time the invention was made to have a well-known Advanced Television System Committee which produces wide screen images up to 1920X1080 pixels in size more than six times the display resolution of the earlier standard for a viewer convenient.

18. **Claim 14** is rejected for the same reason as discussed in the corresponding claim 7 above.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to NIGAR CHOWDHURY whose telephone number is (571)272-8890. The examiner can normally be reached on 9 AM - 5 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thai Tran can be reached on 571-272-7382. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

NC
03/23/2009

/JAMIE JO VENT ATALA/
Examiner, Art Unit 2621